

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 13-24 are pending.

In the outstanding Office Action, Claims 13-19 and 22-24 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hornung (U.S. Patent No. 6,974,518) in view of Itoh (U.S. Patent No. 5,437,902); and Claims 21-22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hornung in view of Itoh and Battersby (U.S. Patent No. 3,957,406).

The outstanding Office Action does not acknowledge the receipt of the replacement drawing sheet for Figure 1 submitted with the previous response. It is respectfully requested that the submission of this replacement drawing sheet be acknowledged in the next Office communication.

It is respectfully requested that French Patent Nos. 2 115 932 and 2 807 783, which were properly submitted with the Information Disclosure Statement filed on June 27, 2007, be considered and that the Form PTO-1449 filed therewith be initialed indicating that these documents have been considered. French Patent Nos. 2 115 932 and 2 807 783 are not in the English language. M.P.E.P. § 609.04(a)(III) states that each Information Disclosure Statement must further include a concise explanation of the relevance, as it is presently understood by the individual designated under 37 C.F.R. § 1.56(c) most knowledgeable about the content of the information that is not in the English language. The Information Disclosure Statement filed on June 27, 2007 was filed with a Statement of Relevancy that noted that the references listed on the Form PTO-1449 and attached therewith are relevant for

at least the reasons specified in the specification. Applicants note that French Patent Nos. 2 115 932 and 2 807 783 are discussed in the specification as originally filed at least at page 2, line 26 to page 3, line 17. Therefore, the Information Disclosure Statement filed on June 27, 2007, was proper, and all the references filed therewith should be considered.

It is respectfully requested that the rejections based on the combination of Hornung and Itoh be withdrawn.

Claim 13 recites an insulating glazing panel that includes at least two glass panes separated by a gas space and a spacer configured to keep the two glass panes apart. The spacer includes at least one *approximately flat strip* fitted at least partly around a perimeter of the glazing panel and fixed by an adhesive bonding using at least a first fastener. Claim 13 further recites that the strip includes *an internal face that at least partially faces the gas space*, and at least a portion of the first fastener is placed *on the internal face of the strip*.

The outstanding Office Action acknowledges that “Hormung [sic] does not show the strip fixed by adhesive bonding using at least a first fastener, the first fastener having at least a portion placed on the internal face of the strip, and is adhesively bonded against at least one internal face of the one glass pane, wherein at least the first fastener includes means for sealing with respect to the interior of the glazing panel.”¹ The outstanding Office Action attempts to cure the deficiencies in Hornung by applying Itoh. Figures 1A-1F of Itoh illustrate a fire-resistant glass that includes two plate-shaped vitreous materials 2 and 2', a spacer 3, an aqueous gel 4, an adhesive 5, and a sealing agent 6. However, as can be seen in

¹ See the outstanding Office Action at page 3, lines 13-16.

Figures 1A-1F of Itoh, none of the spacers 3 are *an approximately flat strip*, as recited in Claim 13.

Further, none of the spacers include the claimed first fastener on the claimed first face. The outstanding Office Action asserts that “Itoh discloses that the strip (3) fixed by adhesive bonding using at least a first fastener (5), a first fastener having at least a portion (at the corner) placed on the internal face of the strip, and is adhesively bonded against at least one internal face of the one glass pane, wherein at least the first fastener includes means for sealing with respect to the interior of the glazing panel.”² As can be seen in Figures 1A-1F of Itoh, the adhesive 5 is interposed between the spacer 3 and each of the plate-shaped vitreous materials 2 and 2'. Itoh extols the benefits of placing the adhesive 5 in this location, stating that “[t]he fire-resistant glass of FIG. 1B is a modification of FIG. 1A, wherein the contact area of an adhesive 5 is made large and resultantly the adhesive 5 can respond to deflection of plate-shaped vitreous materials 2 and 2' and can exhibit its adhesivity sufficiently.”³ However, Itoh fails to disclose or suggest that any of the adhesive 5 is located on an internal face that at least partially faces a gas space between the plate-shaped vitreous materials 2 and 2'. By contrast Claim 13 recites that the strip includes an internal face that *at least partially faces a gas space*, and that at least a portion of the first fastener is *placed on the internal face of the strip*. Indeed, Itoh fails to disclose or suggest an internal gas space. Instead, as can be seen in Figures 1A-1F of Itoh, “an aqueous gel 4 is filled up to the ends of the plate-shaped

² See the outstanding Office Action at page 3, lines 17-20.

³ See Itoh at column 8, lines 64-68.

vitreous materials 2 and 2'."⁴ Thus, Itoh fails to disclose at least two glass panes separated by a gas space, a spacer that includes at least one approximately flat strip, or at least a portion of a first fastener placed on an internal face of the strip that at least partially faces the gas space.

Accordingly, even the combined teachings of Hornung and Itoh fail to disclose or suggest all the features of independent Claim 13. It is submitted that independent Claim 13 and the claims depending therefrom are in condition for allowance.

With respect to the rejection of dependent Claims 20 and 21 as obvious over Hornung in view of Itoh and Battersby, Battersby fails to cure the deficiencies in the combination of Itoh and Hornung discussed above with respect to independent Claim 13. Accordingly, Claims 20 and 21 are believed to be in condition for allowance for at least the same reasons as independent Claim 13, from which they depend.

Should the Examiner continue to disagree with the above distinctions, Applicants respectfully request that the Examiner provide an explanation via Advisory Action pursuant to M.P.E.P. § 714.13 specifically rebutting the points raised herein for purposes of facilitating the appeal process. For the foregoing reasons it is respectfully submitted that this application is now in condition for allowance. A Notice of Allowance for Claims 13-24 is earnestly solicited.

⁴ See Itoh at column 9, lines 1-5.

Application Serial No.: 10/530,060
Reply to Office Action of September 24, 2007

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.


Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 08/07)



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Scott A. McClelland
Registration No. 42,536